

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 480 be amended to read as follows:

- 1 Page 13, delete lines 36 through 39, begin a new paragraph and
- 2 insert:
- 3 "SECTION 13. IC 21-12-4-2, AS ADDED BY SEA 526-2007,
- 4 SECTION 253, IS AMENDED TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2007]: Sec. 2. **(a)** A person is eligible for a
- 6 freedom of choice grant if **the person qualifies under subsection (b)**
- 7 **or (c).**
- 8 **(b) A person qualifies for a freedom choice grant if:**
- 9 (1) the person is qualified for a higher education award under the
- 10 terms of IC 21-12-3-1, IC 21-12-3-2, and IC 21-12-3-3 or
- 11 IC 21-12-3-4 and IC 21-12-3-5, even if lack of funds prevents the
- 12 award or grant;
- 13 (2) the person has a financial need that exceeds the award, as
- 14 determined in accordance with:
- 15 (A) this chapter, IC 21-11, IC 21-12-2, and IC 21-12-3; and
- 16 (B) the rules of the commission; and
- 17 (3) the person will attend an approved postsecondary educational
- 18 institution that:
- 19 (A) either:
- 20 (i) operates in Indiana, provides an organized two (2) year or
- 21 longer program of collegiate grade directly creditable toward
- 22 a baccalaureate degree, is operated by a nonprofit entity, and
- 23 is accredited by a recognized regional accrediting agency or
- 24 the commission on proprietary education; or

(ii) is a hospital that operates a nursing diploma program that is accredited by the Indiana state board of nursing; and  
 (B) is operated privately and not administered or controlled by any state agency or entity.

**(c) A person qualifies for a freedom of choice grant if the person:**

**(1) qualifies for a tuition exemption under IC 21-14-4 or IC 21-14-10; and**

**(2) will attend an approved postsecondary educational institution that:**

**(A) either:**

**(i) operates in Indiana, provides an organized two (2) year or longer program of collegiate grade directly creditable toward a baccalaureate degree, is operated by a nonprofit entity, and is accredited by a recognized regional accrediting agency or the commission on proprietary education; or**

**(ii) is a hospital that operates a nursing diploma program that is accredited by the Indiana state board of nursing; and**

**(B) is operated privately and not administered or controlled by any state agency or entity.**

SECTION 14. IC 21-12-4-3, AS ADDED BY SEA 526-2007, SECTION 253, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. Freedom of choice grant renewals are governed by the same conditions as are set forth in IC 21-12-3-9. **However, the condition described in section IC 21-12-3-9(3) does not apply to the renewal of a grant awarded under section 2(c) of this chapter.**

SECTION 15. IC 21-12-4-4, AS ADDED BY SEA 526-2007, SECTION 253, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. **(a) Except as provided in subsection (b),** the amount of a freedom of choice grant may not exceed the difference between:

**(1) the amount of the total financial need of the student, as determined under the commission's rules; and**

**(2) the:**

**(A) higher education award made under IC 21-12-3-1, IC 21-12-3-2, and IC 21-12-3-3 or IC 21-12-3-4 and IC 21-12-3-5; or**

**(B) sum necessary to pay educational costs at the institution; whichever is smaller.**

**(b) For freedom of choice grants awarded under section 2(c) of this chapter, the amount of the grant may not exceed the statewide average of educational costs assessed at all state educational institutions, as determined by the commission.**

SECTION 16. IC 21-13-1-4, AS ADDED BY SEA 526-2007,

SECTION 254, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2007]: Sec. 4. (a) "Eligible student", for  
purposes of section 8 of this chapter, means a person who:

(1) **either:**

(A) is a member of the Indiana National Guard **who:**

~~(A) (i)~~ is in active drilling status; and

~~(B) (ii) who~~ has not been absent without leave within the  
twelve (12) months immediately preceding the date the  
person applies for a tuition scholarship under this chapter;

**or**

**(B) is a former member of the Indiana National Guard  
who was called to active duty at least one (1) time while a  
member of the Indiana National Guard;**

(2) does not possess a bachelor's degree from an approved  
postsecondary educational institution;

(3) possesses the requisite academic qualifications;

(4) meets the requirements of the state educational institution in  
which the person is enrolled or will enroll; and

(5) meets all other eligibility requirements as determined by the  
commission.

SECTION 17. IC 21-13-4-3, AS ADDED BY SEA 526-2007,  
SECTION 254, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2007]: Sec. 3. Each scholarship awarded under  
this chapter:

(1) may be renewed under this chapter for a total scholarship  
award that does not exceed the equivalent of ~~eight (8) semesters;~~

**one hundred twenty-four (124) semester credit hours;** and

(2) is subject to other eligibility criteria as established by the  
commission.

SECTION 18. IC 21-13-4-4 IS ADDED TO THE INDIANA CODE  
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
1, 2007]: Sec. 4. (a) **This section applies to an eligible student who  
was called to active duty at least one (1) time while a member of the  
Indiana National Guard.**

**(b) After the eligible student ceases to be a member of the  
Indiana National Guard, the eligible student is entitled to have the  
eligible student's eligibility for tuition assistance extended for an  
amount of time equal to the amount of time the eligible student  
spent on active duty."**

Page 13, line 40, delete "Sec. 1. As used in this chapter, "active",  
and insert "SECTION 19. IC 21-14-1-2.3 IS ADDED TO THE  
INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2007]: Sec. 2.3. "Active".

Page 13, line 40, delete "means" and insert "**means:**

**(1) for the purposes of IC 21-14-9,".**

Page 13, line 42, delete "." and insert "; **and**

(2) for the purposes of IC 21-14-10, full-time service by an individual in the armed forces of the United States for the least of the following periods:

(A) Twenty-four (24) consecutive months.

(B) The entire period during which deployment orders are in effect for the individual.

(C) Any period of service from which the individual is released due to a service connected disability.

SECTION 20. IC 21-14-1-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.5. "Alternative financial aid" means, for the purposes of IC 21-14-10, any need or merit based financial aid, from any source, for payment of tuition or fees at a state educational institution. The term does not include an application for a tuition and fee exemption provided by this chapter."**

Page 14, line 1, delete "Sec. 2. As used in this chapter, "armed" and insert "SECTION 21. IC 21-14-1-2.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.7. "Armed"**

Page 14, line 2, delete "any of the following:" and insert "**the following:**

**(1) For the purposes of IC 21-14-9,"**

Page 14, line 3, delete "(1)", begin a new line double block indented and insert:

**"(A)".**

Page 14, line 4, delete "(2)", begin a new line double block indented and insert:

**"(B)".**

Page 14, line 5, delete "(3)", begin a new line double block indented and insert:

**"(C)".**

Page 14, line 6, delete "(4)", begin a new line double block indented and insert:

**"(D)".**

Page 14, line 7, delete "(5)", begin a new line double block indented and insert:

**"(E)".**

Page 14, between lines 7 and 8, begin a new line block indented and insert:

**"(2) For the purposes of IC 21-16-10, armed forces (as defined in IC 5-9-4-3).**

Page 14, delete lines 8 through 9, begin a new paragraph and insert: "SECTION 22. IC 21-14-1-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3.5. "Department" refers, for the**

purposes of IC 21-14-10, to the Indiana department of veterans' affairs established by IC 10-17-1-2.

SECTION 23. IC 21-14-1-5.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.7. "National Guard", for the purposes of IC 21-14-10, has the meaning set forth in IC 5-9-4-4.**

SECTION 24. IC 21-14-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 9. Resident Tuition for Active Duty Military Personnel".**

Page 14, line 10, delete "4. (a)" and insert "1."

Page 14, line 19, delete "(b)" and insert "**Sec. 2.**".

Page 14, line 19, delete "subsection (a)" and insert "**section 1 of this chapter**".

Page 14, between lines 23 and 24, begin a new paragraph and insert:

SECTION 25. IC 21-14-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 10. Tuition Exemption for Veterans**

**Sec. 1. An individual who:**

(1) lists Indiana as the individual's state of residence when the individual enlists in the armed forces of the United States or the National Guard;

(2) suffers while serving on active duty a service connected disability as determined by the United States Department of Veterans Affairs or the United States Department of Defense;

(3) serves any part of the individual's service on active duty:

(A) after September 10, 2001; and

(B) before a date to be set by presidential proclamation or federal law as the conclusion of the war on terror described in the presidential address to a joint session of Congress on September 20, 2001;

(4) receives any discharge or separation from the armed forces of the United States or the National Guard other than a dishonorable discharge;

(5) is eligible to pay the resident tuition rate (as determined by the institution) at the state educational institution the person will attend;

(6) possesses the requisite academic qualifications for enrollment in the state educational institution the person will attend; and

(7) provides proof, as required by the state student assistance commission, that the individual has attempted to obtain alternative financial aid;

is exempt from the payment of tuition and mandatory fees for one hundred twenty-four (124) semester credit hours at the state

educational institution in which the individual is enrolled or will enroll.

**Sec. 2.** For purposes of section 1(7) of this chapter, the state student assistance commission:

- (1) must provide notice in writing to individuals seeking a tuition exemption under this chapter of the proof required under section 1(7) of this chapter; and
- (2) may establish requirements concerning the type and amount of alternative financial aid that an individual must attempt to obtain before the individual may receive a tuition exemption under this chapter.

**Sec. 3.** For purposes of this chapter, the commission for higher education shall define the mandatory fees in consultation with the state student assistance commission.

**Sec. 4.** If an individual who qualifies for or is receiving the tuition exemption under this chapter receives financial assistance from:

- (1) a program under federal law;
- (2) other tuition exemptions under IC 21-14-4 or IC 21-14-7;
- (3) the National Guard tuition supplement program under IC 21-13-4; or
- (4) any other source, including private sources;

that is specifically designated for tuition and mandatory fees at the state educational institution, the state educational institution shall deduct the amount of the financial assistance specifically designated for tuition and mandatory fees from the amount of the individual's tuition exemption under this chapter.

**Sec. 5.** If an individual who qualifies for or is receiving the tuition exemption under this chapter earns or is awarded a cash scholarship from any source that is paid or payable to the state educational institution in which the individual is enrolled or will enroll, the state educational institution shall credit the amount of the cash scholarship to the individual for the payment of incidental expenses incurred by the individual in attending the state educational institution, with the balance, if any, of the award, if the terms of the scholarship permit, paid to the individual.

**Sec. 6. (a)** The department shall determine whether an individual is eligible for the tuition exemption under this chapter.

**(b)** An applicant for the tuition exemption shall make a written request to the director of the department for a determination of the individual's eligibility.

**(c)** The director of the department shall make a written determination of an applicant's eligibility in response to a request under subsection (b).

**(d)** An applicant may appeal in writing an adverse determination under subsection (c) to the veterans' affairs commission established by IC 10-17-1-3 not more than fifteen (15)

1       business days after the date the applicant receives the  
2       determination.

3       (e) The veterans' affairs commission shall issue a final order not  
4       more than fifteen (15) business days after the veterans' affairs  
5       commission receives a written appeal under subsection (d).

6       Sec. 7. A person who knowingly or intentionally submits a false  
7       or misleading application or other document under this chapter  
8       commits a Class A misdemeanor."

9       Renumber all SECTIONS consecutively.

(Reference is to ESB 480 as printed April 6, 2007.)

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Representative Avery